

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

CARLOS R. BLUE, )  
 )  
 Plaintiff, )  
 )  
 v. ) No. 4:21-cv-00689-SRC  
 )  
 DEPARTMENT OF CORRECTIONS/ )  
 CORIZON STAFF, )  
 )  
 Defendant. )

**Memorandum and Order**

This matter comes before the Court on plaintiff Carlos R. Blue's second motion for appointment of counsel. Doc. 17. In civil cases, a pro se litigant does not have a constitutional or statutory right to appointed counsel. *Ward v. Smith*, 721 F.3d 940, 942 (8<sup>th</sup> Cir. 2013). Rather, a district court may appoint counsel in a civil case if the court is "convinced that an indigent plaintiff has stated a non-frivolous claim . . . and where the nature of the litigation is such that plaintiff as well as the court will benefit from the assistance of counsel." *Patterson v. Kelley*, 902 F.3d 845, 850 (8<sup>th</sup> Cir. 2018). When determining whether to appoint counsel for an indigent litigant, a court considers relevant factors such as the complexity of the case, the ability of the pro se litigant to investigate the facts, the existence of conflicting testimony, and the ability of the pro se litigant to present his or her claim. *Phillips v. Jasper Cty. Jail*, 437 F.3d 791, 794 (8<sup>th</sup> Cir. 2006).

After reviewing these factors, the Court finds that the appointment of counsel is not warranted at this time. Plaintiff has demonstrated, at this point, that he can adequately present his claims to the Court. Additionally, neither the factual nor the legal issues in this case appear to be complex. The Court will entertain future motions for appointment of counsel as the case

progresses.

Accordingly, the Court denies without prejudice plaintiff's [17] Motion for Reconsideration for Appointment of Counsel.

Dated this 25th day of February 2022.

  
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STEPHEN R. CLARK  
UNITED STATES DISTRICT JUDGE